



To the Honorable Council  
City of Norfolk, Virginia

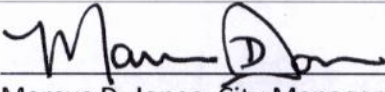
June 23, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) to allow for an existing nonconforming residential structure to be demolished and replaced with a new single-family home on the site.**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-3**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action: By a vote of 7 to 0, the Planning Commission recommends **Approval**.**
- III. **Request: Change of zoning from R-8 to Conditional R-9**
- IV. **Applicant: Jack Wright**
- V. **Description:**
  - This application requests rezoning of the properties which would permit one of the existing homes to be demolished and replaced with a new single-family home on a separate lot.
    - The rezoning as proposed will result in no net increase in the number of homes.
  - The proposed rezoning would not be out of character for this area given that the lot pattern consists primarily of lots with a square footage less than 5,000 square feet and with lot widths less than 50 feet wide.
  - The proposed development will eliminate the nonconforming structure that encroaches over the property line, and it will provide for no more dwelling units than what is currently present on the site.
  - The conditions proffered by the applicant will ensure compatibility with the surrounding residential development with respect to the proposed footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated May 28, 2015 with attachments
- Letter of Support – Highland Park Civic League
- Proponents and Opponents
- Ordinance



# City of NORFOLK

## Planning Commission Public Hearing: May 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Matthew Simons, CFM *M.S.*

Staff Report	Item No. 4		
Address	873-877 43 <sup>rd</sup> Street		
Applicant	Jack Wright		
Request	Change of Zoning		
Property Owner	Jack F. Wright		
Site Characteristics	Site Area	8,750 square feet	
	Zoning	From: R-8 (Single-Family)	To: R-9 (Single-Family)
	Neighborhoods	Highland Park	
	Character District	Traditional	
Surrounding Area	North	R-8: duplex and single-family homes	
	East	R-8: single-family homes	
	South	R-8: single-family homes	
	West	UV (University Village): student apartments	





### A. Summary of Request

- This application requests rezoning of the properties which would permit one of the existing homes to be demolished and replaced with a new single-family home on a separate lot.
  - The rezoning as proposed will result in no net increase in the number of homes.

### B. Plan Consistency

- *plaNorfolk2030* designates this site as multifamily corridor.
  - The identifying land use strategies chapter of *plaNorfolk2030* identifies the multifamily corridor land use category as a location for duplexes, townhomes, and smaller apartment structures located at the edges of single-family neighborhoods.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for residential attached or multifamily.
  - Given that both *plaNorfolk2030* and the *Central Hampton* plan call for this site to be a location for higher-intensity development, and that the proposal is for the construction of a single-family home, the proposed rezoning is not consistent with *plaNorfolk2030*.

### C. Zoning Analysis

#### i. General

- The site is within the Highland Park neighborhood, an area developed with a mix of single-family, multi-family and some industrial and commercial uses.
- The site is currently zoned R-8 which requires a minimum lot width of 50 feet and a minimum lot size of 5,000 square feet.
- The proposed R-9 zoning requires a minimum lot width of 40 feet and a minimum lot size of 4,000 square feet.
- The applicant is proposing to resubdivide the existing lots, which currently are developed with one house on two separate zoning lots.
  - The lot located at 875 43<sup>rd</sup> Street (Lot A) has 5,950 square feet of lot area and contains a one-story house that is encroaching 2.6-feet onto the adjacent lot to the west at 877 43<sup>rd</sup> Street (Lot B).
  - Lot B has 2,800 square feet of lot area and contains the 2.6-foot portion of the adjacent encroaching home, plus there is also an existing 2-story home located on this lot.
- The proposed rezoning would permit the property line currently dividing the two zoning lots to be shifted, and the size of the lots would change from 5,950 sq. ft. to 4,200 square feet for Lot A, and from 2,800 square feet to 4,550 square feet for Lot B, respectively.
- The total number of dwelling units on the site will remain the same with two dwelling units.
- A Lot-Pattern Analysis shows the following range of lots and their percentages within the area.

### Lot Pattern Analysis

Lot-Size Range	Within 1,000 feet		Within 1,000' on same block	
	Number	Percentage	Number	Percentage
<b>Lots in character with the proposal</b> (Less than 50 ft. in width, or less than 5,000 sq. ft.)	62	<b>53%</b>	6	<b>20%</b>
<b>Lots out of character with the proposal</b> (Greater than or equal to 50 ft. in width, or 5,000 sq. ft.)	54	<b>47%</b>	24	<b>80%</b>

- The proposed rezoning would not be out of character for this area given that the lot pattern consists primarily of lots with a square footage less than 5,000 square feet and with lot widths less than 50 feet wide.
- The conditions proffered by the applicant will ensure compatibility with the surrounding residential development with respect to the proposed footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

#### ii. Parking

- The site is located in the Traditional Character district which requires two parking spaces per dwelling unit.
- Both lots will have to provide two parking spaces.

#### iii. Flood Zone

The property is in the X Flood Zone, which is a low risk flood zone.

### D. Transportation Impacts

Institute of Transportation Engineers figures estimate that no additional trips will be generated by the reconstruction of one existing single-family home on this site.

### E. Impact on the Environment

The new house will comply with all standards set forth in the *Zoning Ordinance* including stormwater impacts.

### F. Impact on Surrounding Area/Site

- The proposed development will eliminate the nonconforming structure that encroaches over the property line, and it will provide for no more dwelling units than what is currently present on the site.
  - The zoning certificate requirement proffered by the applicant will ensure that the proposed home is compatible with the surrounding character of the neighborhood.

### G. Payment of Taxes

The owner of the property is current on all real estate taxes.



#### **H. Civic League**

Notice was sent to the Highland Park Civic League on March 17.

#### **I. Communication Outreach/Notification**

- Legal notice was posted on the property on April 21.
- The application was sent to the Highland Park Civic League on April 14.
- Letters were mailed to all property owners within 300 feet of the property on May 14.
- Legal notification was placed in *The Virginian-Pilot* on May 14 and May 21.

#### **J. Recommendation**

Staff recommends that the special exception request be **approved** subject to the proffered conditions shown below:

1. The site shall be resubdivided in accordance with the conceptual site plan entitled "Proposed Subdivision of Lots 74, 75, 76, & Part of Lot 73 Block 270 Revised Plat of Lamberts Point Investment Co. Norfolk, Virginia," as prepared by *Ward M. Holmes Land Surveyor, P.C.*, dated April 10, 2015, attached hereto and marked as "Exhibit A."
2. No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwelling to be built on the parcel is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

#### **Attachments**

Location Map  
Zoning Map  
Lot Pattern Analysis Map  
Picture of Existing Home on Site  
Application  
Physical Survey  
Preliminary Resubdivision Plat/Site Plan  
Notice to the Highland Park Civic League

**Proponents and Opponents**

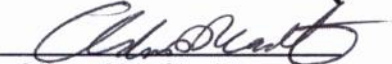
**Proponents**

Jack Wright – Applicant  
78 Ridge Road  
Poquoson, VA 23662

**Opponents**

None

Form and Correctness Approved: 

By   
Office of the City Attorney

Contents Approved: 

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 873 TO 877 43<sup>RD</sup> STREET FROM R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CONDITIONAL R-9 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 43<sup>rd</sup> Street is hereby rezoned from R-8 (Single-Family Residential) District to Conditional R-9 (Single-Family Residential) District. The property is more fully described as follows:

Property fronting 88 feet, more or less, along the southern line of 43<sup>rd</sup> Street and 100 feet, more or less, along the eastern line of Killam Avenue; premises numbered 873 to 877 43<sup>rd</sup> Street.

Section 2:- That the property rezoned by this ordinance shall be subject to the following conditions:

- (a) The site shall be subdivided in accordance with the conceptual site plan entitled "Proposed Subdivision of Lots 74, 75, 76, & Part of Lot 73 Block 270 Revised Plat of Lamberts Point Investment Co. Norfolk, Virginia," prepared by Ward M. Homes Land Surveyor, P.C., dated April 10, 2015, attached hereto and marked as "Exhibit A."
- (b) No building permit shall be issued for any improvements on the property until a zoning certificate has been granted by the Department of Planning verifying that the proposed single-family dwelling to be constructed is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

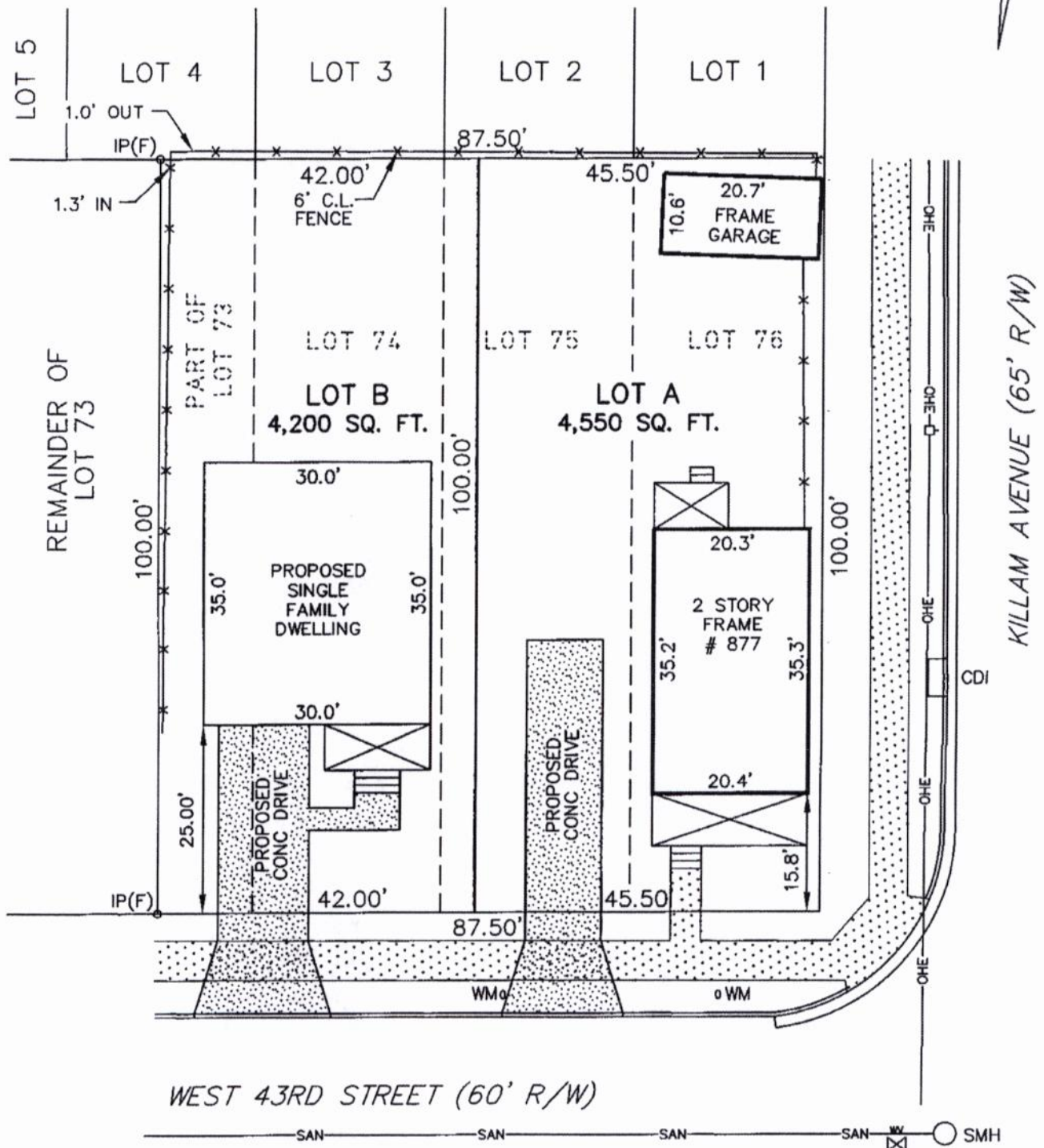
Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

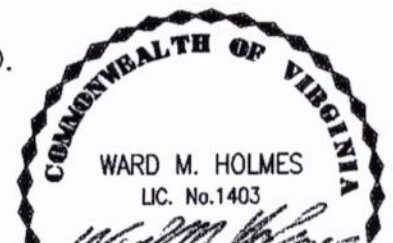
Exhibit A (1 page)





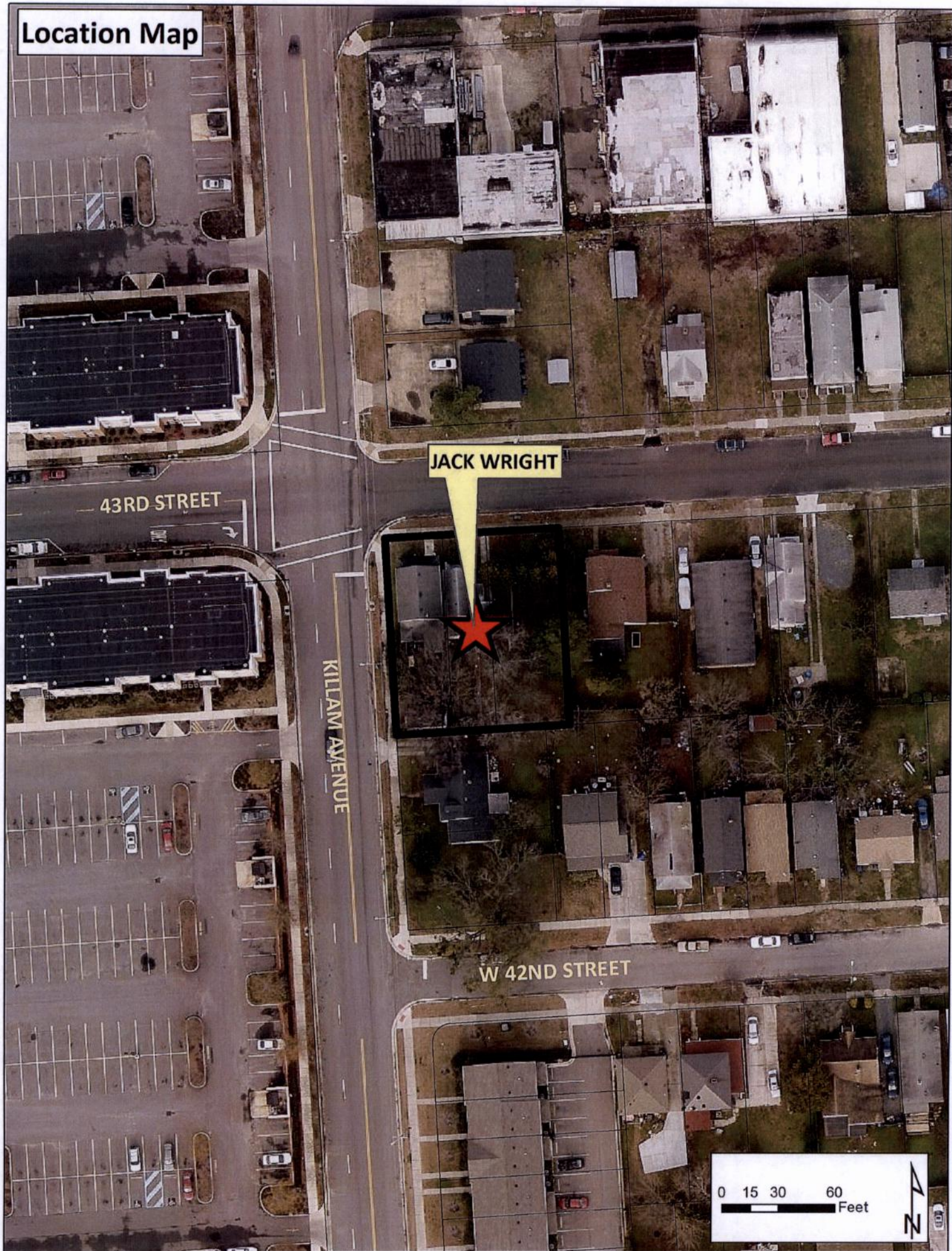
PROPOSED SUBDIVISION  
OF  
LOTS 74, 75, 76 &  
PART OF LOT 73 BLOCK 270  
REVISED PLAT OF  
LAMBERTS POINT INVESTMENT CO.  
NORFOLK, VIRGINIA

REVISED: APRIL 30, 2015  
DATE: APRIL 10, 2015  
SCALE: 1" = 20'  
NOTE: FOR PLAT SEE  
M.B.5 PG.30-31  
NORFOLK, VA.





**Location Map**



**JACK WRIGHT**

**43RD STREET**

**KILAM AVENUE**

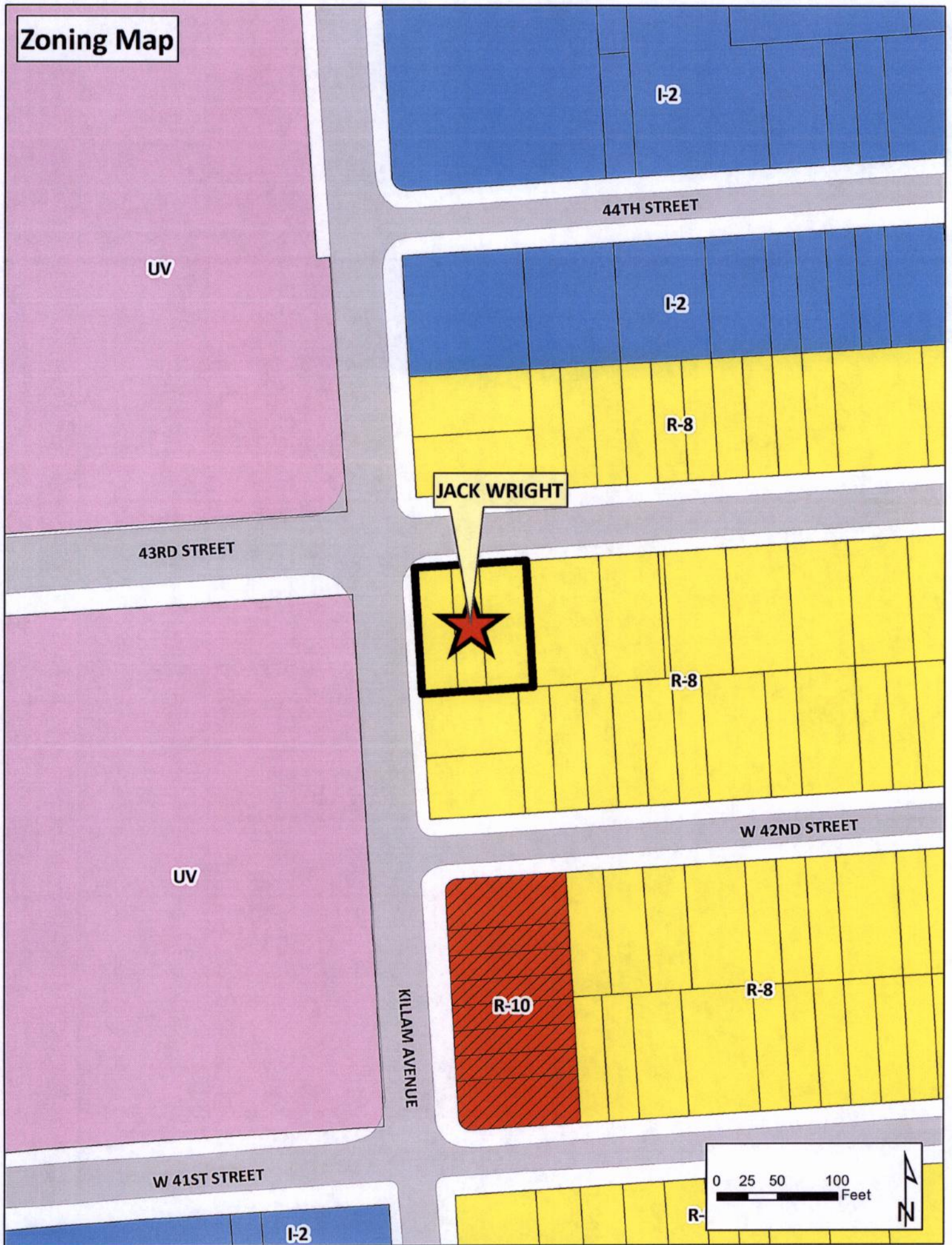
**W 42ND STREET**

0 15 30 60  
Feet





# Zoning Map















**APPLICATION  
CONDITIONAL CHANGE OF ZONING**

Date of application: 4/13/15

**Conditional Change of Zoning**

From: R8 Zoning To: Conditional R9 Zoning

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 873-877 (Street Name) W 43RD

Existing Use of Property: 2 SINGLE FAMILY HOMES

Current Building Square Footage 549

Proposed Use 2 R9 LOTS

Proposed Building Square Footage \_\_\_\_\_

Trade Name of Business (If applicable) \_\_\_\_\_

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) WRIGHT (First) JACK (MI) F

Mailing address of applicant (Street/P.O. Box): PO BOX 6116

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of applicant 757 2859334 Fax ( ) \_\_\_\_\_

E-mail address of applicant: JHWJFW2@AOL.COM

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**Application  
Conditional Rezoning  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) WRIGHT (First) JACK (MI) F

Mailing address of property owner (Street/P.O. box): PO Box 6116

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of owner 757 2859334 email: \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: DALE RYDER 757-489-4194

Date(s) contacted: 4/13/15

Ward/Super Ward information: \_\_\_\_\_

**REQUIRED ATTACHMENTS**

- ✓ Required application fee, **\$705.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
  - If accompanied with a necessary map amendment to the City's adopted general plan, *plaNorfolk2030*, an additional technology surcharge of **\$5** will be required.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ Proffered conditions.
- ✓ Written description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: JACK F WRIGHT Sign: [Signature] / Aug 4, 13, 15  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: JACK F WRIGHT Sign: [Signature] / Aug 4, 13, 15  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_\_  
(Authorized Agent Signature) (Date)

**Jack Wright – 873-877 43<sup>rd</sup> Street**  
**Proffered Condition**

1. The site shall be resubdivided in accordance with the conceptual site plan entitled "Proposed Subdivision of Lots 74, 75, 76, & Part of Lot 73 Block 270 Revised Plat of Lamberts Point Investment Co. Norfolk, Virginia," as prepared by *Ward M. Holmes Land Surveyor, P.C.*, dated April 10, 2015, attached hereto and marked as "Exhibit A."
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Property Owner/Authorized Agent: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

4/13/15

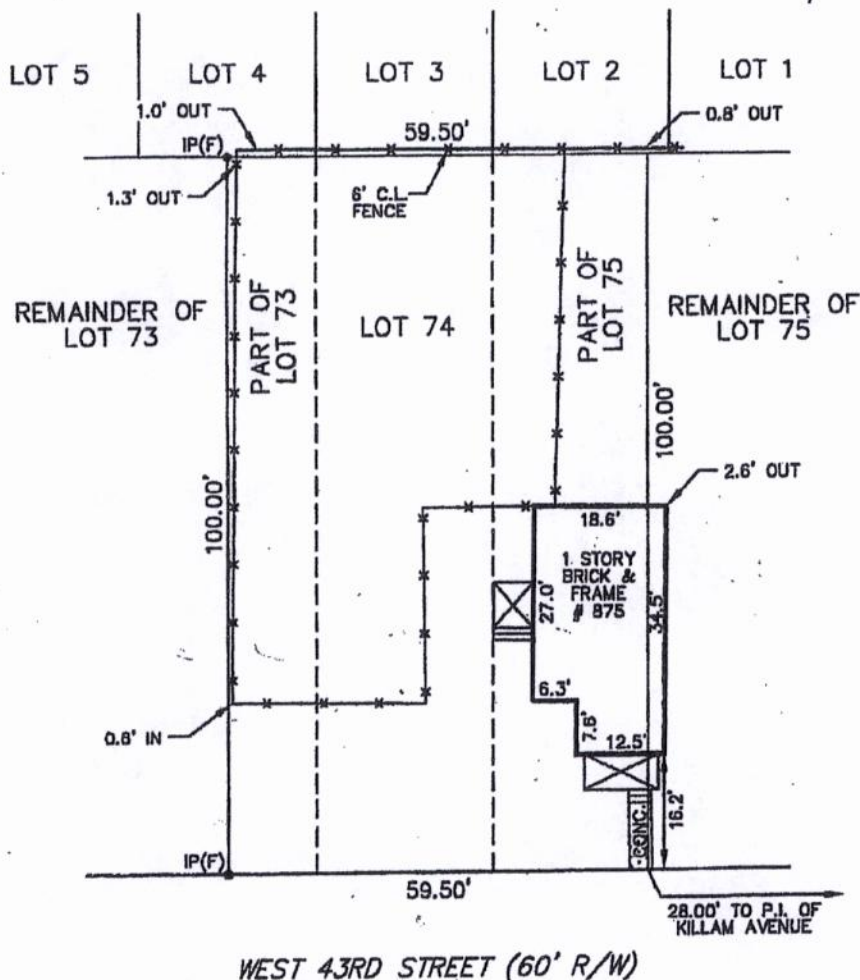


THIS IS TO CERTIFY THAT I, ON SEPT. 30, 2008, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

**NOTES:**

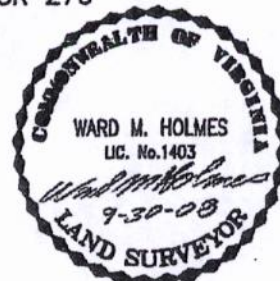
- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "C" FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0016D, REVISED APR. 17, 1984.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



PHYSICAL SURVEY  
OF  
LOT 74 & PART OF LOTS 73 & 75, BLOCK 270  
REVISED PLAT OF  
LAMBERTS POINT INVESTMENT CO.  
NORFOLK, VIRGINIA  
FOR  
JACK WRIGHT

DATE: SEPT. 30, 2008  
SCALE: 1" = 20'  
NOTE: FOR PLAT SEE  
M.B.5 PG.30-31  
NORFOLK, VA.

WARD M. HOLMES  
LAND SURVEYOR, P.C.  
9225 GRANBY STREET  
NORFOLK, VIRGINIA 23503  
757-480-1230



DRAWN BY: DJB

PROJECT NO. 081084

8/16/95

(38)

# HIGHLAND PARK CIVIC LEAGUE

824 W. 49<sup>th</sup> Street  
Norfolk, VA 23508  
highlandpark\_cl@yahoo.com

May 19, 2015

Matt Simons, CFM  
City Planner II  
City of Norfolk  
508 City Hall Building  
Norfolk, VA 23510

Re: 873-877 43<sup>rd</sup> Street

Dear Mr. Simons:

On May 14, 2015, the Highland Park Civic League reviewed the Application for Conditional Change of Zoning for 873-877 43<sup>rd</sup> Street submitted by Jack Wright.

By majority vote, the civic league has no objection to the Application as presented by Mr. Wright provided the house to be built is no more than two stories tall, has no more than four bedrooms, and is constructed in a style similar to the other single family homes in the neighborhood.

If you have any questions or need any additional information, please feel free to contact me at 757-619-2880 or Wendy Hazel at 757-717-5557.

Thank you for your consideration.

T. Dale Ryder, President  
Highland Park Civic League